

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 2, 2021 PUBLIC HEARING**

A. Case Number:	Docket #21-39
B. Applicant:	John Hunter
C. Location:	The subject property is located at 1907 Elizaville Road, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Single-Family Residential (SF2) and comprised of approximately 0.44 acres. The subject lot configuration is 119 feet wide by 160 feet in depth.
E. Property History:	History of Property: This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The lot currently contains a single-family residential home and a small accessory structure that will be removed to accommodate the proposed barn.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Accessory Structure Front/Side Setback UDO Section 7.10.A.4 The applicant is seeking to remove an existing mini barn to facilitate the construction of an 864 square foot barn to the rear of the property. The garage would be accessed from the existing driveway that runs along the south side of the home. The barn will meet the required accessory structure setback (10 feet) from the rear property line, but is proposed to be 4 feet from the south property line. This setback is required in order to avoid the home’s underground electric service line which runs from the rear of the property to the house through the middle of the back yard. If the barn were moved to meet the required setback, it would be located directly over top of the electric service line. Therefore, the applicant is seeking a Development Standard Variance to permit the construction of a barn that does not meet the side setback requirement. Lebanon Planning Staff Determination: The applicant presented the intent to construct the barn as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the proposed project and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.

G. Variance Evaluation:

Evaluation of Variance(s)

Statutory Authority of BZA for Reviewing Variances.
Pursuant to State Statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance of use. Per Indiana Code (IC) 36-7-4-918.5; No variance in the application of the provisions of the ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that the variance of use listed above has been reviewed based on the following three (3) statutory criteria:

Statutory Criteria

Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.

Criteria-3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

Staff Evaluation of Development Standard Variances

Variance – Accessory Structure Side Setback

UDO Section 7.10.A.4

The applicant is seeking to construct an 864 square foot barn to the rear of the property. Due to restrictions caused by underground utilities in the rear yard, the garage is proposed to be 4 feet from the south (side) property line.

Staff Evaluation of Development Standard Variances

Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis

The reduction in the side setback poses no imminent threat to the public health, safety, morals, or general welfare of the community. While the structure will be in closer proximity to the property lines, the request is consistent with how other lots in the neighborhood have been developed and would not overly impose upon the immediate neighbors.

Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The requested variance for the side setback is compatible with existing development in the neighborhood. Many of the properties in the immediate vicinity of the subject property contain accessory structures with setbacks consistent with or less than the applicant's request.

Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

Staff Analysis

The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property. Because the subject lot is restricted by the presence of utilities in the rear yard, there are significantly limited options for locating the proposed structure. The development precedent that has been set by neighboring properties includes structures that maintain side setbacks similar to what is being requested by the applicant.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the construction of a barn that is 4 feet from the side property line subject to the following condition:

1. That the barn is painted with a color that matches the siding color on the home.